

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHAMICA JOHNSON

Plaintiff,

V.

CARETENDERS OF CLEVELAND, INC.

dba ALMOST FAMILY MEDLINK

Defendant.

**JURY DEMAND
ENDORSED HEREON**

COLLECTIVE ACTION COMPLAINT FOR UNPAID OVERTIME WAGES

Plaintiff Shamica Johnson (“Plaintiff”), individually and on behalf of all others similarly situated, alleges as follows for her Collective Action Complaint against Defendant Caretenders of Cleveland, Inc. dba Almost Family Medlink (“Defendant”):

1. Plaintiff and similarly situated employees worked for Defendant as LPNs.
2. Defendant's revenues exceed \$500,000 per year.
3. Defendant is an enterprise engaging in interstate commerce.
4. Plaintiff and similarly situated employees performed home health care duties for

Defendant.

5. This Court has subject matter jurisdiction over the claims and parties raised in this complaint pursuant to the Fair Labor Standards Act, 29 U.S.C. Sections 201, *et seq.*

6. This Court has personal jurisdiction over the parties to this action.

7. Venue is proper in the Northern District of Ohio Eastern Division because defendant conducted activity in this district and because part of the claim for relief arose in this district.

8. Plaintiff consents to become a party plaintiff in this action and has attached her written consent hereto as Exhibit A.

9. Defendant was the employer of Plaintiff and similarly situated employees.

10. Plaintiff has hired the undersigned counsel and has agreed to pay them reasonable attorney's fees and costs if she is successful on one or more of the claims set forth herein.

11. While working for Defendant, Defendant paid Plaintiff \$21 for each home visit.

12. Plaintiff and similarly situated employees regularly worked more than 40 hours per week for Defendant, especially when including travel time between homes.

13. At all times that Plaintiff and similarly situated employees worked for Defendant over the past three years, Defendant did not pay Plaintiff and similarly situated employees for time spent at home or elsewhere answering phone calls or texts or doing reports.

14. At all times that Plaintiff and similarly situated employees worked for Defendant over the past three years, Defendant did not pay Plaintiff and similarly situated employees time-and-a-half overtime wages for their hours worked over forty in a workweek.

15. Defendant is required to comply with overtime requirements set forth in the Fair Labor Standards Act, 29 U.S.C. Sections 201, *et seq.*

16. Plaintiff and similarly situated employees were non-exempt employees under the Fair Labor Standards Act.

17. Defendant has violated the Fair Labor Standards Act by not paying Plaintiff and similarly situated employees overtime wages for all hours worked over a regular forty-hour workweek.

18. Defendant's conduct with regard to not paying time-and-a-half overtime wages to Plaintiff and similarly situated employees was willful.

19. Plaintiff and similarly situated employees have been damaged by Defendant's non-payment over time-and-a-half overtime wages.

20. Plaintiff and similarly situated employees are entitled to liquidated damages of one times unpaid overtime compensation pursuant to the Fair Labor Standards Act.

21. Defendant is liable for the costs and reasonable attorney's fees of Plaintiff and similarly situated employees pursuant to the Fair Labor Standards Act.

WHEREFORE, Plaintiff and similarly situated employees demand judgment against Defendant for their unpaid overtime wages, liquidated damages, post-judgment interest, attorney's fees and costs, and all other relief to which they are entitled.

JURY TRIAL DEMANDED.

Respectfully submitted,

/s/ Christopher M. Sams
Stephan I. Voudris, Esq.
Supreme Court No. 0055795
Christopher M. Sams, Esq.
Supreme Court No. 0093713
Voudris Law LLC
8401 Chagrin Road, Suite 8
Chagrin Falls, OH 44023
svoudris@voudrislaw.com
csams@voudrislaw.com
440-543-0670
440-543-0721 (fax)
Counsel for Plaintiff